

02/20/02  
J1132 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

JC714 U.S. PTO  
10/078241  
02/20/02

**Box PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/505,874 filed on February 17, 2000, for SYNERGISTIC FUNGICIDAL COMPOSITION COMPRISING A COMPOUND ANALOGOUS TO STROBILURIN, by the following named inventor(s):

- (a) Full Name Patrice DUVERT
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☐ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

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- ☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.
1. ☐ Enclosed is a copy of the prior Application No. \_ as originally filed on \_, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☒ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed in prior Application No. 09/051,199. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	26	MINUS 20 =	6	× \$18.00 (103) =	\$108.00
Independent Claims	2	MINUS 3 =	0	× \$84.00 (102) =	\$0.00
If multiple dependent claims are presented, add \$280.00 (104)					0.00
Total Application Fee					\$848.00
If small entity status is claimed, subtract 50% of Total Application Fee					\$0.00
Add Assignment Recording Fee of \$ _if Assignment document is enclosed					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$848.00</b>

5. ☒ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_ for the fee due.
7. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed for the fee due.
8. ☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. . This paper is submitted in duplicate.
9. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee.
10. ☒ New formal drawings are enclosed.

11. ☒ Priority of Application No. 95/11951 filed on October 5, 1995 in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed.
- ☒ was received by the International Bureau on October 28, 1996, in connection with International Appln. No. PCT/FR96/01532, filed on October 2, 1996, of which grandparent Application No. 09/051,199, filed July 2, 1998, was the U.S. national stage. Receipt of the certified copy has been acknowledged in grandparent Appln. No. 09/051,199 and also in parent Appln. No. 09/505,874, filed February 17, 2000.
- ☐ has not yet been filed.
12. ☐ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. \_\_, filed on \_\_.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_, filed on \_\_, which was a national stage filing under 35 U.S.C. § 371 of International Application No. \_\_ filed on \_\_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_\_.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_, filed on \_\_, which was a continuation of International Application No. \_\_, filed on \_\_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_\_.--.
13. ☐ A preliminary amendment is enclosed.
14. ☒ An Information Disclosure Statement, IDS Transmittal Letter, Form PTO-1449 and copies of the literature references, and International Search Report and International Preliminary Examination Report in connection with International Application No. PCT/FR96/01532 are enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
16. ☒ Also enclosed is a Letter Accompanying the Filing of Continuation Application and a copy of the Petition for Extension of Time filed concurrently in parent Appln. No. 09/505,874.
17. ☒ The power of attorney in the prior application is to all partners of BURNS, DOANE, SWECKER & MATHIS, L.L.P., and Mary Katherine Baumeister, Registration No. 26,254.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney \_\_.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Mary Katherine Baumeister  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: February 20, 2002

By: Mary Katherine Baumeister  
Mary Katherine Baumeister  
Registration No. 26,254

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)

10078241-022002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
)  
Patrice DUVERT ) Group Art Unit: 1616  
)  
Application No.: ) Examiner: Allen J. Robinson  
)  
Filed: February 20, 2002 )  
)  
For: SYNERGISTIC FUNGICIDAL ) 37 C.F.R. §1.53(b)  
COMPOSITION COMPRISING A ) Continuation of Appln. No. 09/505,874,  
COMPOUND ANALOGOUS TO ) filed February 17, 2000  
STROBILURIN )  
)

**LETTER ACCOMPANYING FILING OF CONTINUATION APPLICATION**  
**UNDER 37 C.F.R. §1.53(b) WITHOUT PAYMENT OF FILING FEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**The accompanying 37 C.F.R. §1.53(b) continuation is being filed without payment of the filing fee. Applicant requests issuance of a Notice to File Missing Parts of Application.**

The accompanying 37 C.F.R. §1.53(b) continuation is being filed with an amended specification and claims. No new matter has been added.

The specification has been amended to cross-reference the earlier applications and to add section headings and paragraph numbers.

10078241-022650-621

The claims are directed to fungicidal compositions comprising two specific synergistic combinations of active ingredients and processes for controlling fungi.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Mary Katherine Baumeister  
Mary Katherine Baumeister  
Registration No. 26,254

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Date: February 20, 2002

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